

House Engrossed

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 138

HOUSE BILL 2450

AN ACT

AMENDING SECTION 13-3112, ARIZONA REVISED STATUTES; RELATING TO WEAPONS AND
EXPLOSIVES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3112, Arizona Revised Statutes, is amended to
3 read:

4 13-3112. Concealed weapons; qualification; application; permit
5 to carry; certificate of firearms proficiency;
6 training program; program instructors; report;
7 applicability; violation; classification

8 A. The department of public safety shall issue a permit to carry a
9 concealed weapon to a person who is qualified under this section. The person
10 shall carry the permit at all times when the person is in actual possession
11 of the concealed weapon and shall present the permit for inspection to any
12 law enforcement officer on request.

13 B. A person who fails to carry the permit at all times that the person
14 is in actual possession of a concealed weapon may have the permit suspended.
15 The department of public safety shall be notified of all violations of this
16 section and shall immediately suspend the permit. The permittee shall
17 present the permit to the law enforcement agency or the court. On
18 notification of the presentation of the permit, the department shall restore
19 the permit.

20 C. The permit of a person who is arrested or indicted for an offense
21 that would make the person unqualified under the provisions of section
22 13-3101, subsection A, paragraph 6 or this section shall be immediately
23 suspended and seized. The permit of a person who becomes unqualified on
24 conviction of that offense shall be revoked. The permit shall be restored on
25 presentation of documentation from the court if the permittee is found not
26 guilty or the charges are dismissed. The permit shall be restored on
27 presentation of documentation from the county attorney that the charges
28 against the permittee were dropped or dismissed.

29 D. A person who fails to present a permit for inspection on the
30 request of a law enforcement officer is guilty of a class 2 misdemeanor.

31 E. The department of public safety shall issue a permit to an
32 applicant who meets all of the following conditions:

- 33 1. Is a resident of this state or a United States citizen.
- 34 2. Is twenty-one years of age or older.
- 35 3. Is not under indictment for and has not been convicted in any
36 jurisdiction of a felony.
- 37 4. Does not suffer from mental illness and has not been adjudicated
38 mentally incompetent or committed to a mental institution.
- 39 5. Is not unlawfully present in the United States.
- 40 6. Satisfactorily completes a firearms safety training program
41 approved by the department of public safety pursuant to subsection N of this
42 section. This paragraph does not apply to a person who is an active duty
43 Arizona peace officer standards and training board certified or federally
44 credentialed peace officer or who is honorably retired as a federal, state or
45 local peace officer with a minimum of ten years of service.

1 F. The application shall be completed on a form prescribed by the
2 department of public safety. The form shall not require the applicant to
3 disclose the type of firearm for which a permit is sought. The applicant
4 shall attest under penalty of perjury that all of the statements made by the
5 applicant are true. The applicant shall submit the application to the
6 department with a certificate of completion from an approved firearms safety
7 training program, two sets of fingerprints and a reasonable fee determined by
8 the director of the department.

9 G. On receipt of an A CONCEALED WEAPON PERMIT application, the
10 department of public safety shall conduct a check of the applicant's criminal
11 history record pursuant to section 41-1750. The department of public safety
12 may exchange fingerprint card information with the federal bureau of
13 investigation for federal criminal history record checks.

14 H. The department of public safety shall complete all of the required
15 qualification checks within sixty days after receipt of the application and
16 shall issue a permit within fifteen working days after completing the
17 qualification checks if the applicant meets all of the conditions specified
18 in subsection E of this section. If a permit is denied, the department of
19 public safety shall notify the applicant in writing within fifteen working
20 days after the completion of all of the required qualification checks and
21 shall state the reasons why the application was denied. On receipt of the
22 notification of the denial, the applicant has twenty days to submit any
23 additional documentation to the department. On receipt of the additional
24 documentation, the department shall reconsider its decision and inform the
25 applicant within twenty days of the result of the reconsideration. If
26 denied, the applicant shall be informed that the applicant may request a
27 hearing pursuant to title 41, chapter 6, article 10.

28 I. On issuance, a permit is valid for four years.

29 J. The department of public safety shall maintain a computerized
30 permit record system that is accessible to criminal justice agencies for the
31 purpose of confirming the permit status of any person who claims to hold a
32 valid permit issued by this state. This information shall not be available
33 to any other person or entity except on an order from a state or federal
34 court.

35 K. A permit issued pursuant to this section is renewable every four
36 years. Before a permit may be renewed, a criminal history record check shall
37 be conducted pursuant to section 41-1750 within sixty days after receipt of
38 the application for renewal.

39 L. Applications for renewal shall be accompanied by a fee determined
40 by the director of the department of public safety. A certificate of
41 completion of a four-hour refresher firearms safety training program approved
42 by the director of the department is required before a renewal permit may be
43 issued and shall accompany an application for renewal.

1 M. The department of public safety shall suspend or revoke a permit
2 issued under this section if the permit holder becomes ineligible pursuant to
3 subsection E of this section. The department of public safety shall notify
4 the permit holder in writing within fifteen working days after the revocation
5 or suspension and shall state the reasons for the revocation or suspension.

6 N. An organization shall apply to the department of public safety for
7 approval of its firearms safety training program. The department shall
8 approve a program that meets the following requirements:

9 1. Is at least sixteen hours in length.

10 2. Is conducted on a pass or fail basis.

11 3. Addresses all of the following topics in a format approved by the
12 director of the department:

13 (a) Legal issues relating to the use of deadly force.

14 (b) Weapon care and maintenance.

15 (c) Mental conditioning for the use of deadly force.

16 (d) Safe handling and storage of weapons.

17 (e) Marksmanship.

18 (f) Judgmental shooting.

19 4. Is conducted by instructors who submit to a background
20 investigation, including a check for warrants and a criminal history record
21 check.

22 O. If approved pursuant to subsection N of this section, the
23 organization shall submit to the department of public safety two sets of
24 fingerprints from each instructor and a fee to be determined by the director
25 of the department of public safety. On receipt of the fingerprints and fee,
26 the department of public safety shall conduct a check of each instructor's
27 criminal history record pursuant to section 41-1750. The department of
28 public safety may exchange this fingerprint card information with the federal
29 bureau of investigation for federal criminal history record checks.

30 P. The proprietary interest of all approved instructors and programs
31 shall be safeguarded, and the contents of any training program shall not be
32 disclosed to any person or entity other than a bona fide criminal justice
33 agency, except upon an order from a state or federal court.

34 Q. If the department of public safety rejects a program, the rejected
35 organization may request a hearing pursuant to title 41, chapter 6,
36 article 10.

37 R. The department of public safety shall maintain information
38 comparing the number of permits requested, the number of permits issued and
39 the number of permits denied. The department shall annually report this
40 information to the governor and the legislature.

1 S. The director of the department of public safety shall adopt rules
2 for the purpose of implementing and administering the concealed weapons
3 permit program including fees relating to permits AND CERTIFICATES THAT ARE
4 issued pursuant to this section.

5 T. The department of public safety shall enter into reciprocal
6 agreements with states that have concealed weapons laws substantially similar
7 to this section for the purpose of establishing a basis under which a
8 concealed weapons license or permit that is issued by either state may be
9 used by the licensee or permittee within the jurisdiction of either state. If
10 another state requires this state to enter into a reciprocal agreement before
11 accepting a concealed weapons permit issued in this state, the department of
12 public safety shall enter into the agreement if the issuing authority for the
13 other state:

14 1. Issues a permit with an expiration date printed on the permit.

15 2. Is available to verify the permit status for law enforcement
16 purposes within three business days of a request for verification.

17 3. Has disqualification, suspension and revocation requirements for
18 concealed weapons permits.

19 4. Requires that an applicant for a concealed weapons permit meet all
20 of the following conditions:

21 (a) ~~Submit~~ SUBMITS to a criminal history record check.

22 (b) Is not prohibited from possessing firearms pursuant to federal
23 law.

24 (c) Satisfactorily completes a firearms safety program.

25 U. Notwithstanding subsection T of this section, unless a person would
26 be a prohibited possessor in this state, a person who is a resident of
27 another state and who is temporarily in this state may carry a concealed
28 weapon in this state without a permit issued pursuant to this section if both
29 of the following apply:

30 1. The person is legally in this state.

31 2. The person presents a valid concealed weapons permit from another
32 state on the request of a law enforcement officer if the issuing authority
33 for the other state:

34 (a) Issues a permit with an expiration date printed on the permit.

35 (b) Has disqualification, suspension and revocation requirements for
36 concealed weapons permits.

37 (c) Requires that an applicant for a concealed weapons permit meet all
38 of the following conditions:

39 (i) Submits to a criminal history record check.

40 (ii) Is not prohibited from possessing firearms pursuant to federal
41 law.

42 (iii) Satisfactorily completes a firearms safety program.

43 V. Notwithstanding the provisions of this section, a person with a
44 concealed weapons permit from another state may not carry a concealed weapon
45 in this state if the person is under twenty-one years of age or is under

1 indictment for, or has been convicted of, a felony offense in any
2 jurisdiction, even if the person's rights have been restored and the
3 conviction is expunged, set aside or vacated.

4 W. THE DEPARTMENT OF PUBLIC SAFETY MAY ISSUE CERTIFICATES OF FIREARMS
5 PROFICIENCY ACCORDING TO THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING
6 BOARD FIREARMS QUALIFICATION FOR THE PURPOSES OF IMPLEMENTING THE LAW
7 ENFORCEMENT OFFICERS SAFETY ACT OF 2004 (P.L. 108-277).


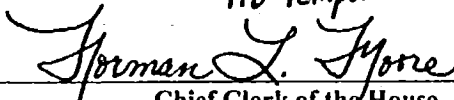
APPROVED BY THE GOVERNOR APRIL 18, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2005.

Passed the House March 9, 2005,

by the following vote: 53 Ayes,

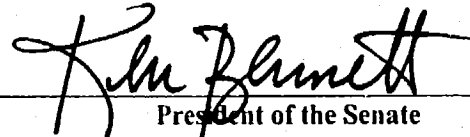
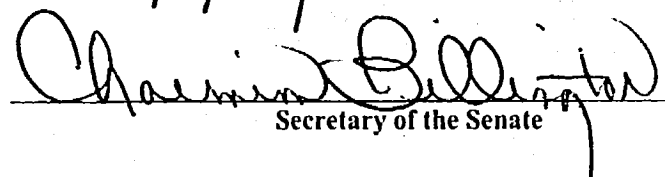
6 Nays, 1 Not Voting


Speaker of the House
Pro Tempore

Chief Clerk of the House

Passed the Senate April 12, 2005,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

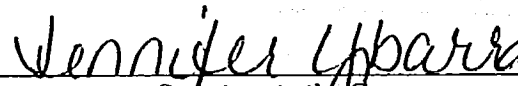

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

13th day of April, 2005

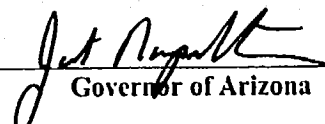
at 12:00 o'clock P M.


Secretary to the Governor

Approved this 18 day of

April, 2005,

at 1:50 o'clock 7 M.


Governor of Arizona

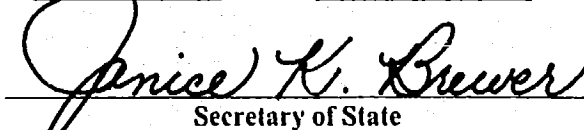
H.B. 2450

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18 day of April, 2005,

at 4:42 o'clock P M.


Secretary of State